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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
 11 **DISTRICT OF NEVADA**

12 In re:

13 **USA COMMERCIAL MORTGAGE**
 14 **COMPANY,**

15 **USA CAPITAL REALTY ADVISORS,**
 16 **LLC,¹**

17 **USA CAPITAL DIVERSIFIED TRUST**
 18 **DEED FUND, LLC,**

19 **USA CAPITAL FIRST TRUST DEED**
 20 **FUND, LLC,²**

21 **USA SECURITIES, LLC,³**

22 Debtors.

23 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

23 Case No. BK-S-06-10725-LBR¹
 24 Case No. BK-S-06-10726-LBR¹
 25 Case No. BK-S-06-10727-LBR²
 26 Case No. BK-S-06-10728-LBR²
 27 Case No. BK-S-06-10729-LBR³

28 **CHAPTER 11**

29 Jointly Administered Under Case No.
 30 BK-S-06-10725 LBR

31 **NOTICE OF HEARING REGARDING**
 32 **THIRD OMNIBUS OBJECTION OF**
 33 **USACM TRUST TO PROOFS OF**
 34 **CLAIM BASED UPON**
 35 **INVESTMENT IN THE COPPER**
 36 **SAGE COMMERCE CENTER, LLC**
 37 **LOAN; AND CERTIFICATE OF**
 38 **SERVICE**

39 Date of Hearing: April 30, 2009

40 Time of Hearing: 9:30 a.m.

41 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
 42 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
 43 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**

44
 45 ¹ This bankruptcy case was closed on September 23, 2008.

46 ² This bankruptcy case was closed on October 12, 2007.

47 ³ This bankruptcy case was closed on December 26, 2007.



1 **COPPER SAGE COMMERCE CENTER, LLC LOAN BECAUSE THE USACM**
2 **TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**
3 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**
4 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
5 **DIFFERENT LOAN.**

6 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
7 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
8 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
9 SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING
10 GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.

11 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
12 Third Omnibus Objection to Proofs of Claim Based Upon Investment in the Copper Sage
13 Commerce Center, LLC Loan (the “Objection”). Your Proof of Claim number and other
14 information regarding your claim is provided in **Exhibit A**, attached. The USACM
15 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy
16 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is
17 based upon an investment in the Copper Sage Commerce Center, LLC Loan. The
18 Objection will not impact your Claim to the extent it is based upon an investment in a
19 different loan.

20 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
21 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
22 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
23 **April 30, 2009, at the hour of 9:30 a.m.**

24 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 30,**
25 **2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**



1 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
2 **HEARD ON THAT DATE.**

3 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
4 by April 23, 2009, pursuant to Local Rule 3007(b), which states:

5 If an objection to a claim is opposed, a written response must be filed and
6 served on the objecting party at least 5 business days before the scheduled
7 hearing. A response is deemed sufficient if it states that written
documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

9 If you object to the relief requested, you *must* file a **WRITTEN** response to this
10 pleading with the Court. You *must* also serve your written response on the person who
11 sent you this notice.

12 If you do not file a written response with the Court, or if you do not serve your
13 written response on the person who sent you this notice, then:

- 14 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 15 • The Court may *rule against you* and sustain the objection without formally
16 calling the matter at the hearing.

17 Dated: March 26, 2009.

18 LEWIS AND ROCA LLP

19 By /s/ John Hinderaker Rob Charles (#18024)
20 Rob Charles, NV 6593

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26 *Attorneys for the USACM Liquidating Trust*



1 Copy of the foregoing mailed by first class
2 postage prepaid U.S. Mail on
3 March 26, 2009 to:

4 Parties listed on Exhibit A attached.

5 s/Renee L. Creswell
Renee L. Creswell
Lewis and Roca LLP

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